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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,727	09/26/2005	Thierry Rodrigues	0579-1106	6059

466 7590 12/28/2006
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EXAMINER

NGUYEN, CHAU N

ART UNIT	PAPER NUMBER
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2831

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/550,727	Applicant(s) RODRIGUES ET AL.	
	Examiner Chau N. Nguyen	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 8, 9, 13-16, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (4,737,598) in view of Smith (2,358,743).

O'Connor (Figure 2) discloses a longitudinally slit tubular electromagnetic shielding sleeve comprising a substrate and an electrically conductive material layer fixed to an internal face of the substrate, said layer extending substantially from a first longitudinal edge of the substrate to a second longitudinal edge thereof.

O'Connor does not disclose that the substrate and the layer are separated in a split segment at said first longitudinal edge at least, said substrate and said layer at said second longitudinal edge being inside said split segment between said substrate and said layer at said first longitudinal edge.

Smith (Figure 3) discloses a sleeve comprising a substrate and a layer extending from a first edge of the substrate to a second edge of the substrate, wherein the substrate and the layer are separated in a split segment at said first longitudinal edge at least, said substrate and said layer at said second longitudinal edge being inside said split segment between said substrate and said layer at said first longitudinal edge (re claim 1). Smith (Figure 4) also discloses at the second longitudinal edge, said substrate at said second longitudinal edge being inside said first split segment between said substrate and said layer at said first longitudinal edge and said layer at said first longitudinal edge being inside said second split segment between said substrate and said layer at said second longitudinal edge (re claim 14).

It would have been obvious to one skilled in the art to modify the sleeve of O'Connor, at the overlapping edges, to have the structures as taught by Smith to provide a tight seal at the overlapping portion.

The modified sleeve of O'Connor also discloses the substrate being a sheet of thermoformed into a self-curling strip with an overlap (re claims 4 and 16) and surrounding a bundle of cables with the sleeve (re claims 13 and 21).

Re claims 2, 3, and 15, it would have been obvious to one skilled in the art to use an interleaved (braided) copper wire structure for the layer (31) of O'Connor to meet the specific use of the resulting sleeve since braided copper wire structure is well-known in the art for being used as shielding materials.

Re claims 8, 9, 19 and 20, it would have been obvious to one skilled in the art to respectively choose suitable angles for the split segment and for the overlap portion of the modified sleeve of O'Connor to meet the specific use of the resulting sleeve since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 205 USPQ 233.

4. Claims 5, 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor in view of Smith as applied to claims 1 and 14 above, and further in view of Von Samson-Himmelstjerna (6,936,553).

Claims 5, 6 and 17 additionally recite the substrate being a woven textile strip. Von Samson-Himmelstjerna discloses a sleeve for cable comprising a substrate (backing material) which is a woven textile strip (col. 5, lines 20-21). It would have been obvious to one skilled in the art to use woven textile for the substrate of O'Connor since woven textile material is known in the art for being used as a backing material for forming a composite cable sleeve as taught by Von Samson-Himmelstjerna.

5. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor in view of Smith as applied to claims 1 and 14 above, and further in view of Philip (3,612,744).

Claims 7 and 18 additionally recite the conductive layer being fixed to the substrate by one or more rows of stitches extending in the longitudinal direction of the sleeve. Philip discloses a cable comprising a plurality of layers which are fixed together by one or more rows of stitches in the longitudinal direction of the layers. It would have been obvious to one skilled in the art to provide one or more rows of

stitches as taught by Philip in the sleeve of O'Connor to further secure the conductive layer to the substrate.

Response to Arguments

6. Applicant's arguments with respect to claims 1 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Summary

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chau N Nguyen
Primary Examiner
Art Unit 2831